

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Keith R. Murphy
Tatiana Markel

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,

Plaintiff,

v.

DAVID R. MARKIN, individually and as trustee of
the David Markin Charitable Remainder Unitrust
#1, and David R. Markin Charitable Remainder
Unitrust #2, SOUTH PAC INTERNATIONAL

Adv. Pro. No. 10-05224 (SMB)

TRUST LTD., as trustee of the David R. Markin
2003 Trust, DAVID R. MARKIN 2003 TRUST,
DAVID MARKIN CHARITABLE REMAINDER
UNITRUST #1, DAVID R. MARKIN
CHARITABLE REMAINDER UNITRUST #2,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Mitchell D. Schepps (the “Personal Representative”), solely in his capacity as the personal representative of the estate of David R. Markin, and in no other capacity, by and through his counsel, Dentons US LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against David R. Markin, individually and as trustee of the David Markin Charitable Remainder Unitrust #1 and David R. Markin Charitable Remainder Unitrust #2, Southpac International Trust Ltd., as trustee of the David R. Markin 2003 Trust, David R. Markin 2003 Trust, David Markin Charitable Remainder Unitrust #1, and David R. Markin Charitable Remainder Unitrust #2 (the “Defendants”).

2. David R. Markin died on May 30, 2013 and the Personal Representative was appointed.

3. On January 19, 2018, the Trustee and the Personal Representative entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on

November 12, 2010 [Dkt. No. 3181].

4. In accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1)(ii), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice, without costs to any Party.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties in interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: January 26, 2018

BAKER & HOSTETLER LLP

/s/ Tatiana Markel

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Keith R. Murphy
Email: kmurphy@bakerlaw.com
Tatiana Markel
Email: tmarkel@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Esq.,
Trustee for the substantively consolidated SIPA
liquidation proceedings of Bernard L. Madoff
Investment Securities LLC and the consolidated
Chapter 7 Estate of Bernard L. Madoff*

DENTONS US LLP

By: /s/ Carole Neville
1221 Avenue of the Americas
Telephone: (212) 768-6700
Facsimile: (212) 768-6800
Carole Neville
Email: carole.neville@dentons.com

Attorneys for the Personal Representative

SO ORDERED

Dated: January 26, 2018
New York New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE